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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1933

No. 868

STATE OF OHIO, PUBLIC UTILITIES COMMISSION OF OHIO, THE WHEELING AND LAKE ERIE RAILWAY COMPANY, ET AL.,

Appellants,

vs.

THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, THE BALTIMORE AND OHIO RAILROAD COMPANY, ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

STATEMENT AS TO JURISDICTION ON APPEAL.

The appellants, and each of them, in support of the jurisdiction of the Supreme Court of the United States to review the above entitled cause on appeal, respectfully represent:

The suits consolidated in the District Court were brought there by favor of section 41, subdivision 28, section 44, sec-

tion 45, and section 47 of Title 28 U. S. C. A., Act of October 22, 1913, c. 32, 38 Stat. 219, 220, and section 46 of Title 28, U. S. C. A., Act of March 3, 1911, c. 231, 36 Stat. 1149, Judicial Code, section 208, to enjoin, set aside and annul, *inter alia*, a certain order of the Interstate Commerce Commission entered by it on May 2, 1933, in its docket No. 25566. After hearing on the merits the District Court entered final decrees dismissing the plaintiffs' petitions for want of equity.

(A) *Statutory Provisions Sustaining Jurisdiction.*

The jurisdiction of the Supreme Court of this appeal is believed to be sustained by the following statutes: Section 345 of Title 28 U. S. C. A., Act of February 13, 1925, c. 229, section 1, 43 Stat. 938, Judicial Code, section 238; and section 47a, Title 28 U. S. C. A., Act of October 22, 1913, c. 32, 38 Stat. 220.

(B) *Statutes of States or Statutes or Treaties of the United States the Validity of Which Is Involved.*

This appeal does not involve the validity of any statute of a State or of any statute or treaty of the United States.

(C) *Date of Decree and Date of Petition for Appeal.*

The decrees sought to be reviewed were entered on January 19, 1934.

The petition for appeal was presented on March 12, 1934.

Cases Believed to Sustain Jurisdiction.

The following decisions of the Supreme Court of the United States are believed to sustain the jurisdiction of

the Supreme Court to review the above entitled cause on appeal:

United States v. *Louisiana*, 290 U. S. 70, 71.
Warehouse Co. v. *United States*, 283 U. S. 501, 503.
Virginian R. Co. v. *United States*, 272 U. S. 658, 663.
Beaumont, S. L. & W. Ry. v. *U. S.*, 282 U. S. 74, 77.
New England Divisions Case, 261 U. S. 184, 189.
Louisville & N. R. Co. v. *United States*, 242 U. S. 60, 69.
Int. Com. Comm. v. *Union Pac. R. R.*, 222 U. S. 541.
Florida East Coast Line v. *United States*, 234 U. S. 167.
Manufacturers Ry. Co. v. *United States*, 246 U. S. 457.
Skinner & Eddy Corp. v. *United States*, 249 U. S. 557, 559.
Seaboard Air Line Ry. Co. v. *United States*, 254 U. S. 57.

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